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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Marian Rudolf

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EXAMINER

LU, ZHIYU

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,716	Applicant(s) RUDOLF ET AL.	
	Examiner ZHIYU LU	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Pre-Brief, filed 09/08/2009, with respect to the rejection(s) of claim(s) 25-38 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 25, 29, 32, 36 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims, applicant claims "user measurements". According to paragraphs 0016-0017 of filed publication, DRNC may request measurements from either wireless transmit/receive unit (WTRU) or SRNC. It is understandable for DRNC to request measurements from WTRU for instant radio resource management (RRM). Since it is well-known that DRNC acts as a switch to route information between the SRNC and the UE/WTRU (UE terminates connection with SRNC), DRNC acquires user measurement from UE for SRNC. It is unclear on how and why in instant application for DRNC to request user measurements from SRNC for instant RRM on WTRU. The filed specification does not have much detail in explaining the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieshout et al. (US2002/0094833) in view of Choi et al. (US2002/0097740), Parsa et al. (US6643318), Fauconnier et al. (US2002/0025820), and Terry et al. (US2003/0016641).

Regarding claim 36, Lieshout et al. teach a method for use in a wideband code division multiple access communication system having a serving radio network controller (SRNC) and a drift radio network controller (DRNC), the method comprising:

Note: It is known that a RNC can be as either a SRNC or a DRNC, which depends on the perspective of a user equipment (UE).

requesting by one of the DRNC (28 of Fig. 3) and the SRNC (26 of Fig. 3) common measurements using a global procedures module of a radio network sublayer application part (RNSAP) procedures over a radio network controller interface (IUR) for an other of the DRNC and the SRNC (paragraph 0042, acquiring intelligence from SRNC for power regulation), the common measurements including received total wideband power and load (paragraphs 0014, 0038);

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in response to receiving requests for the common measurements using the global procedures module of the RNSAP procedures from the IUR by the other of the DRNC and the SRNC, sending a response message using the global procedures module of the RNSAP procedures over the IUR (paragraphs 0014-0016, 0042, obvious in acquiring information from SRNC);

SRNC taking measurements in received signal strength, SIR, etc. for determining transmit power (paragraphs 0038-0040), and taking measurements in power strength and interference (paragraphs 14, 40); and

the SRNC in response to receiving the request for user measurements, sending the user measurement to the DRNC using RNSAP procedures over the IUR (paragraphs 0014-0016).

But, Lieshout et al. do not expressly disclose common measurements including global positioning system (GPS) timing information; and the DRNC requesting user measurements from the SRNC using the RNSAP procedures over the IUR, the user measurements including received signal code power (RSCP) and interference signal code power (ISCP)

Choi et al. teach SRNC provides information on the service requested or received by a UE to DRNC for determining a proper (common transport channel) CPCH set for the specific UE (paragraph 0068), which would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize and modify the DRNC in the method of Lieshout et al. into request information from SRNC for determining a proper CPCH set.

Parsa et al. teach CPCH set information are configured partially based on measurement information received from mobile station (column 11 lines 7-15), which would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that

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information requested by DRNC in the method of Lieshout et al. and Choi et al. is to be user measurements for configuring CPCH set.

Fauconnier et al. teach common measurements including global positioning system (GPS) timing information (paragraph 0109); and a SRNC sending UE measurements on a DRNC to the DRNC (Fig. 6, paragraph 0078). Corresponding to Choi et al.'s teaching in SRNC providing DRNC information, it which would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize and modify the DRNC of Lieshout et al., Choi et al., and Parsa et al. into allocate resources based on measurements sent from a SRNC for establishing connection with a drifting UE.

Terry et al. teach taking measurements in received signal code power (RSCP) and interference signal code power (ISCP) (paragraph 0008).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate taking user measurements of RSCP and ISCP taught by Terry et al. into the method of Leishout et al., Choi et al., Parsa et al., and Fauconnier et al., in order to provide specific information to DRNC for its power regulation scheme.

Regarding claim 25, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device in inherent in radio network controller.

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Regarding claim 29, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) serving radio network controller (SRNC) as explained in response to claim 36 above, where a measurement response device is inherent in radio network controller.

Regarding claim 32, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) radio network controller (RNC) configured to operate as a serving radio network controller (SRNC) and a drift radio network controller (DRNC) as explained in response to claim 36 above, where a logic device configured to control a measurement request device is inherent in radio network controller.

Regarding claim 38, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach a wideband code division multiple access (W-CDMA) drift radio network controller (DRNC) as explained in response to claim 36 above, where a radio resource management device configured to use the RSCP and ISCP user measurements to control resources of cells associated with the user measurements is inherent in radio network controller.

Regarding claims 26, 30, 33 and 37, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25, 29, 32 and 36.

Terry et al. teach the RSCP is the RSCP of a common control channel (paragraph 0008).

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Regarding claims 27 and 34, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Leishout et al. teach the measurement request device is configured to receive responses the requests for common measurements and user measurements (paragraph 0014).

Regarding claims 28 and 35, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach the limitations of claims 25 and 32.

Terry et al. teach a measurement collection device (CQ storage device in base station) for storing the received responses (paragraph 0021)

Regarding claim 31, Leishout et al., Choi et al., Parsa et al., Fauconnier et al., and Terry et al. teach the limitation of claim 29.

Leishout et al. teach the measurement response device is configured to retrieve the user measurements from a measurement collection device (paragraphs 0035, 0043-0044).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
Examiner
Art Unit 2618

/Zhiyu Lu/
Examiner, Art Unit 2618
February 4, 2010